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April 11, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Room 222
Washington, DC 20554

Re: Preemption of Local Zoning Regulation of Satellite Earth
Stations, IB Docket No. 95-59

Dear Mr. Caton:

We write in response to the FCC's Report and Order and Further Notice of Proposed Rulemaking released on March 11, 1996, regarding preemption of certain local regulation of satellite earth station antennas, and proposing to prohibit enforcement of non-governmental restrictions on such antennas that are less than one meter in diameter (the "FNPRM"). We enclose six (6) copies of this letter, in addition to this original.

Trammell Crow Residential is one of the largest owners of new apartment communities in the Carolinas, Virginia, and Tennessee. We currently own or manage approximately 4,000 apartments in these states.

We are concerned that the proposed rule prohibiting enforcement of non-governmental restrictions will adversely affect our business without justification and needlessly raise additional legal issues. We question whether the Commission has the authority to require us to allow the physical changes on our property. We must retain the authority to control the use of our property for several reasons:

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First, the FNPRM incorrectly states that "non-governmental restrictions would appear to be directed to aesthetic considerations." Aesthetic considerations are not trivial - the appearance of a building directly affects its marketability. Most people prefer to live in attractive communities and the sight of hundreds of satellite antennas bolted to the outside walls and railings of apartment units would be extremely unappealing to present and future residents. Aesthetic considerations have clear economic impact. We frequently develop buildings with 36 apartment homes each. Would you like to live in and pay top dollar rents for a building with 36 dishes on it?

Second, the weight or wind resistance of a dish antenna and the quality of installation may create maintenance problems and - more importantly - a hazard to the safety of residents, building employees, and passers-by. Damage to the property caused by water seepage into the building interior, corrosion of metal mounts, or weakening of concrete could lead to safety hazards and very costly maintenance and repair.

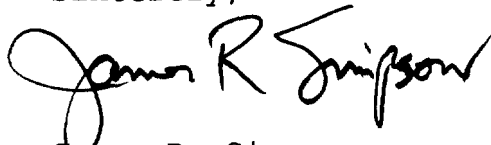
Third, the technical limitations of antenna technology create problems because all of our residents may not be able to receive certain services. It is our understanding that antennas can be positioned only in certain areas, thus limiting access.

Fourth, new apartments represent one of the only forms of safe, clean, affordable new housing. We are frequently unable to build because the local municipalities don't want apartments and will not allow apartment zoning. If our buildings become less attractive, it will have a meaningful negative impact on the supply of new affordable housing in our area.

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In conclusion, we urge the FCC to avoid interfering in our relationships with our residents. All of the potential problems above could adversely affect the safety and security of our property as well as our bottom line and our property rights. Thank you for your attention to our concerns.

Sincerely,

A handwritten signature in black ink, reading "James R. Simpson". The signature is fluid and cursive, with the first name "James" and last name "Simpson" clearly legible.

James R. Simpson
Divisional Partner

Enclosures

CC: J. Ronald Terwilliger
Leonard W. Wood
Senator Jesse Helms
Senator Lauch Faircloth
Representative Bill Hefner
Representative Sue Myrick
Representative Melvin Watt